

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(NORTHERN DISTRICT)

MEGHAN HALUB, M.D.
217 14th Avenue SW, Apt. 1323
Rochester, Minnesota 55902

Plaintiff,

v.

THE JOHNS HOPKINS HEALTH
SYSTEM CORPORATION, et al.
600 North Wolfe Street
Baltimore, MD 21204

Defendants.

Civil Action No.

* * * * *

NOTICE OF REMOVAL

Defendants, The Johns Hopkins Health System Corporation, The Johns Hopkins University, and The Johns Hopkins Hospital (collectively “Hopkins Defendants”), by and through counsel, Marianne DePaulo Plant, Victoria E. Thornton and Goodell, DeVries, Leech & Dann, LLP, and pursuant to 28 U.S.C. §1441, *et seq.*, file this Notice of Removal and as ground therefor state:

1. This action, brought by Meghan Halub, M.D. in the Circuit Court for Baltimore City, Maryland and styled as *Meghan Halub v. The Johns Hopkins Health System Corporation, et al.* Case No. 24-C-22-002627, was filed on June 10, 2022 and served on the Hopkins Defendants on August 1, 2022.

2. Dr. Halub seeks damages based on her knowledge of a purportedly unauthorized access of Protected Health Information (PHI) in 2019 by a nurse who was then employed by

Defendant The Johns Hopkins Hospital. Dr. Halub asserts this access violated Maryland's Confidentiality of Medical Records Act, Md. Health-General Code Ann. §§ 4-301 through 4-309 ("MCMRA"), violated both the Privacy Rule and Security Rule of the Health Insurance Portability and Accountability Act of 1996, 45 CFR Part 160, Part 162 and Subparts A and E of Part 164 ("HIPAA"), and constituted intrusion upon seclusion, and was the result of Hopkins Defendants' negligent supervision and negligence, all predicated on HIPAA's standards.

3. The Hopkins Defendants maintain that their conduct was reasonable and consistent with all applicable law.

4. According to the Maryland Judiciary online docket, a summons as to Defendant, Nurse Irene Psoras was reissued on August 18th, but she has not yet been served. Thus, Nurse Psoras need not consent to removal. 28 U.S.C.S. § 1446 (b)(2)(A).

5. This action is removable to the United States District Court for the District of Maryland pursuant to 28 U.S.C. §1441(a) as an action brought in state court of which the District Courts of the United States have original jurisdiction.

6. The federal issue in this case is substantial. While Plaintiff has nominally asserted state law claims, each claim embeds federal law as a necessary part thereof. This Court therefore has a substantial interest in the resolution of the federal questions raised by Plaintiff Dr. Halub's Complaint.

7. Specifically, the Complaint explicitly alleges violations of the HIPAA Security and Privacy Rules, and expressly relies on that comprehensive federal legislation and its implementing regulations for the standards upon which the alleged security and privacy violations are predicated. Compl. at ¶ 50, 56 and 67.

8. While HIPAA and MCMRA do overlap in some of the issues they address, the two differ, and the former preempts the latter when more stringent. That is relevant here as the allegations relate to appropriate safeguards to discourage surreptitious access of PHI in an electronic health record by an employed health care provider, rather than an affirmative disclosure in response to a request. Compl. at ¶ 34.

9. Attached as Exhibit A to this Notice, pursuant to 28 U.S.C. §1441(a), is a copy of all process, pleadings and orders served on the parties in this action pending in the Circuit Court for Baltimore City, Maryland.

10. Attached as Exhibit B to this Notice is a copy of the Notice of Filing of Notice of Removal to be filed in the Circuit Court for Baltimore City.

WHEREFORE, the Defendants request that the civil action known as *Meghan Halub v. The Johns Hopkins Health System Corporation, et al.* Case No. 24-C-22-002627 in the Circuit Court for Baltimore City, Maryland, be removed to the United States District Court for the District of Maryland.

Respectfully submitted,



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***Attorneys for The Johns Hopkins Hospital, The
Johns Hopkins University, and The Johns Hopkins
Health System Corporation***

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of August, 2022, a copy of Hopkins Defendants' Notice of Removal was filed with the Clerk of Court using the CM/ECF system, which will serve all counsel of record. Unserved Defendant, Irene Psoras, was served via first class mail at 225 Promenade Street, Apt. 531, Providence, Rhode Island 02908.


Marianne DePaulo Plant